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REMARKS

Upon receipt of this response, the Examiner is respectfully requested to contact the undersigned representative of the Applicant to arrange a telephone interview concerning the inventive merits of this application.

The present invention is directed as a relatively simple process of improving the easy of application of silicone to a surface. Quite simply, the method involves applying a silicone caulking compound to a dry surface and preventing undesired adhesion of the silicone caulking compound to areas of the dry surface adjacent the bead of the silicone caulking compound. The first step typically involves freeing the surface of any debris prior to applying the silicone caulking compound thereto. Next, the bead of silicone caulking compound is applied to the surface. Before the bead of silicone begins to set, a cationic surfactant is sprayed or otherwise applied to the bead of silicone caulking compound and to the areas of the surface adjacent the bead of silicone caulking compound. Following application of the cationic surfactant, the excess silicone caulking compound is wiped or otherwise removed from the surface, whereby the cationic surfactant acts as a surface lubricant and prevents adhesion of the silicone caulking compound to the undesired areas of the surface. Finally, the silicone caulking compound is allowed to set on the surface for a period of at least four hours.

This application is rejected under 35 U.S.C. § 112, first paragraph, for the reasons noted in the official action. The inadequate written description rejection is acknowledged and respectfully traversed in view of the following remarks.

Specifically, the specification is rejected as not enabling because as the Examiner alleges that "one of ordinary skill in the pertinent arts, in this case a painter, a builder or a home handyman" would not be able to ascertain what "cationic surfactants" are required to carry out the inventive method. The Applicant respectfully disagrees with the Examiner's view concerning this matter that one of ordinary skill in the pertinent art would necessarily be "a painter, a builder, or a home handyman". It is possible that a painter, a builder or a home

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handyman may be one of ordinary skill in the art, nevertheless, one skilled in the art could also include a silicone caulking kit developer/manufacturer or even perhaps an organic chemist. For example, if a manufacturer were to offer a kits of parts suitable for practicing the present invention, e.g., for purchase by "a painter, a builder, or a home handyman", it is respectfully submitted that such kit of parts would typically include, at the very least, a quantity of silicone caulking and a cationic surfactant along with basic instructions for application of the silicone caulking, i.e., a set of instructions closely paralleling the steps recited in claim 1, for example. Under such circumstances, the Applicant respectfully submits that the manufacturer or developer of the kit of parts would most likely be knowledgeable of which cationic surfactants would be suitable for carrying out the present invention. Alternatively, it is respectfully submitted, such manufacturer or developer of the kit of parts, if unfamiliar with which cationic surfactants would be suitable for carrying out the present invention, could readily obtain such information from an knowledge person, e.g., an industrial chemical supplier or a chemist as stated in the accompanying Declaration of John Payzant, without undue experimentation. In conclusion, the Applicant respectfully submits that the accompanying Declaration of John Payzant supports the Applicant's position that one skilled in the art could determine a suitable cationic surfactant, for carrying out the method of the above identified application upon reading the specification, without undue experimentation.

In addition, it is supported by case law that when an invention, in its different aspects, involves distinct arts, that specification is adequate which enables the adepts of each art, those who have the best chance of being enabled, to carry out the aspect proper to their specialty. *International Standard Electric Corp. V. Ooms, Com'r.*, 81 U.S. App. D.C. 215, 157 F.2d 73, 70 USPQ 32 (1946). This seems to support the Applicants' view that one skilled in the art is not limited to "a painter, a builder, or a home handyman", but also includes others as well.

Next, the specification is further rejected because the specification "neither teaches nor exemplifies specific suitable cationic surfactants" for carrying out the inventive method.

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As a result of this, the Examiner alleges that "undue experimentation" would be necessary to determine the compositions which are suitable and not detrimentally reactive with the caulking compound. In response to this rejection, it is to be noted that the specification specifically refers to the sole function of the cationic surfactant, namely, to prevent the silicone caulking compound from adhering to undesired areas of the surface--see paragraph 019, for example. Contrary to the Examiner's belief, the cationic surfactant is not intended to react in any fashion with the caulking compound. Moreover, as stated in the accompanying Declaration of John Payzant, Mr. Payzant is "not aware of any cationic surfactant that would be unsuitable for use with the method of the above identified application". Accordingly, it is to be appreciated that there are a vast number of cationic surfactants which would be suitable for the practice of the present invention. In addition, it is respectfully submitted that a few conventional household cleaners that are currently available to "a painter, a builder, or a home handyman" and do contain a suitable cationic surfactant--see the third to the last paragraph of the Declaration of John Payzant. As indicated therein, such household cleaner would be suitable for practice of the method of the present invention. In conclusion, the Applicant respectfully submits that the accompanying Declaration of John Payzant supports the Applicant's position that excessive experimentation would not be necessary by one skilled in the art to determine a suitable cationic surfactant for carrying out the method of the above identified application.

Finally, the specification is rejected because it "neither teaches nor exemplifies ranges or effective amounts of useful cationic surfactants" to carry out the inventive method. In response to this rejection, the Applicant respectfully submits that undue experimentation would not be necessary in order to carry out the inventive method. For example, after one skilled in the art obtained a cationic surfactant, such person would simply spray or otherwise apply the cationic surfactant to the caulking compound and the surface, as disclosed by the specification. If, for some reason, unsatisfactory results were achieved by such person, the person could simply dilute the concentration of the cationic surfactant until a desired result

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is achieved, or alternatively, the person could obtain a more concentrated sample of the cationic surfactant until satisfactory results were achieved by such person. Such "experimentation", it is respectfully submitted, would not be undue experimentation as defined by the relevant case law. In any event, it is to be appreciated that the purpose of the cationic surfactant is to function as a surface lubricant and prevent adhesion of the silicone caulking compound to the undesired areas of the surface. No chemical reaction is desired between the cationic surfactant and the silicone caulking compound—the cationic surfactant merely prevents adhesion of the silicone caulking compound to the undesired areas of the surface .

The above remarks and accompanying Declaration of John Payzant are believed to appropriately address and overcome all of the raised 35 U.S.C. § 112, first paragraph, rejections raised by the Examiner concerning the above identified application. In the event that any amendment to the specification or the claims is believed necessary, the Examiner is invited to contact the undersigned representative of the Applicant to discuss the same.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

The Applicant notes the prior art cited in the official action. As none of that prior art is applied by the Examiner against the claims of this application, the Applicant is not providing any comments concerning the same at this time.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

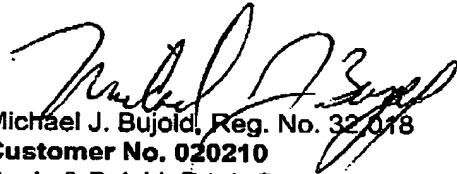
The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

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In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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